

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as
GOVERNOR OF THE STATE OF TEXAS,
and THE STATE OF TEXAS,

Defendants.

Case No. 1:23-cv-00853-DII

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

Before the Court is the United States' July 26, 2023, Motion for Preliminary Injunction. Defendants, Governor Greg Abbott in his capacity as Governor of the State of Texas and the State of Texas (collectively, "Texas") were notified and heard. I have found that the United States is likely to succeed on the merits of its claim that Defendants have violated and continue to be in violation of 33 U.S.C. 403 and that preliminary injunctive relief is warranted on this basis. To the extent that further findings are required, I find that the Defendants' conduct irreparably harms the United States' conduct of foreign relations, public safety, navigation, and the operations of federal agency officials in and around the Rio Grande. I have further found that the balance of the equities and the public interest each favor an injunction. Accordingly, IT IS HEREBY ORDERED that:

1. The United States' Motion for Preliminary Injunction is GRANTED.
2. Defendants and anyone working on their behalf are enjoined and hereby prohibited from building new or additional structures in the Rio Grande without authorization from the

United States Army Corps of Engineers, or from replacing, repositioning, or adding to the previously installed buoys, anchors, and other related materials composing the floating barrier placed by Texas in the Rio Grande in the vicinity of Eagle Pass, Texas.

3. Defendants shall within 10 days, by the date of _____, remove, at Defendants' expense, and in coordination with the United States Army Corps of Engineers, all buoys, anchors, and other related materials composing the floating barrier placed by Texas in the Rio Grande in the vicinity of Eagle Pass, Texas.
4. Absent modification by the Court, this Order preliminarily enjoining the above activities shall remain in effect until a final judgment on the merits is entered in this matter.

IT IS SO ORDERED.

DATED this _____ day of _____, 20_____.

UNITED STATES DISTRICT JUDGE